

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-050453

09/14/2022

HONORABLE ALISON BACHUS

CLERK OF THE COURT
C. Lett
Deputy

VILLAGE AT GRAYHAWK OWNERS
ASSOCIATION

JOSHUA M BOLEN

v.

ALAN JONES, et al.

KATHRYN MARIE JONES
P O BOX 72107
PHOENIX AZ 85850
JUDGE BACHUS

MINUTE ENTRY

The Court is in receipt of (1) “Preliminary Motion to Intervene Pursuant to Rules 1, 19, 24a, 24b, and 60; Extraordinary Request for Immediate Stay or Injunction to Preclude Manifest Loss of Appeal Rights by Defendant, Kathryn Jones, Request for Immediate Telephonic Hearing re: ADA Accommodations to Permit Completion of Motion.,” filed August 19, 2022 by third party Alan Jones; (2) “Defendant/Counterclaimant’s Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction,” filed by Kathryn Jones on August 22, 2022; and (3) Plaintiff’s “Notice to Court Regarding Post-Judgment Motions by Defendant and Third Party,” filed September 7, 2022.

On July 27, 2022, the Court entered final judgment in this case with Rule 54(c) language. The motions filed by Mr. Jones and Ms. Jones followed, and the Court was holding those for responses when the Notice of Appeal was filed. Upon

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filing of the Notice of Appeal, jurisdiction over this matter went to the Court of Appeals. “A superior court ‘retains jurisdiction to act so long as that act cannot negate the decision in a pending appeal or frustrate the appellate process.’” *Bank of New York Mellon v. Dodev*, 246 Ariz. 1, 2 (App. 2018) (quoting *State v. O’Connor*, 171 Ariz. 19, 22 (App. 1992) and citing *Ariz. Corp. Comm’n v. Citizens Util. Co.*, 120 Ariz. 184, 193 (1978)). To address the motions brought by Mr. Jones and Ms. Jones would run afoul of that case law. The Court notes, however, that it corrected a scrivener’s error in the September 7 judgment.

At this juncture, without direction from the Court of Appeals, this Court will take no further action on this matter.

It is so ordered.